



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/564,700

03/23/2006

Eric Fassiau

05129-00116-US

2343

23416

7590

09/28/2009

CONNOLLY BOVE LODGE & HUTZ, LLP

P O BOX 2207

WILMINGTON, DE 19899

EXAMINER

TISCHLER, FRANCES

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

09/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,700	Applicant(s) FASSIAU ET AL.	
	Examiner FRANCES TISCHLER	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 and 18-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/18/09 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 11, 12, 16 and 19 – 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Vandenhende et al (US 2003/0119925).

The rejection stands as per reasons of record as stated in the previous office action of 12/1/08.

Regarding the amendment to claims 11 and 22: Vandenhende discloses ([0043]) that the phase separating agent can be added either at the dissolution stage or after condensation of the vapor, where the latter reads on Applicant's claim of having no phase separation agent at the time of phase inversion. Vandenhende further discloses to allow the condensed vapor to settle by the action of the phase separating agent and

Art Unit: 1796

to remove the phase rich in non-solvent. Example 1 further also discloses the process ([0045] – [0047]) of dissolving PVC in MEK, adding water and stirring for 10 minutes.

This is followed by the addition of water mostly in vapor form and some in liquid form.

The vapor is then condensed and recovered and hexane is added. Said example clearly teaches that there is no hexane during the phase inversion since it was only added when the vapors are recovered at the end of the precipitation process.

Claim Rejections - 35 USC § 103

Claims 13 – 15, 18, 24 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhende et al (US 2003/0119925).

The rejection stands as per reasons of record as stated in the previous office action of 12/1/08.

Claim 18 is further rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhende et al (US 2003/0119925) in view of Rosano (US 4,146,499).

The rejection stands as per reasons of record as stated in the previous office action of 12/1/08.

Response to Arguments

Applicant's arguments filed 6/25/09 have been fully considered but they are not persuasive.

Applicant submits that Applicants have found that the presence of a phase separation agent in the precipitation medium, as recommended in Vandenhende, at the time of phase inversion and thereafter, generally has an adverse effect on the morphology; that this can be seen from the ASG/Dav ratio in the instant example 8 relative to instant example 5; that it is clear that Vandenhende relates to a process that uses phase separation agent with the non-solvent; that a phase separation agent is present in both one-step and closed loop processes disclosed by Vandenhende.

Examiner respectfully disagrees with Applicant. Although Vandenhende seems to prefer the method of including the phase separation agent during the process, Vandenhende clearly discloses (see paragraph 0043), as discussed above, that the phase separation agent can be added after the condensation of the vapors, which reads on Applicant's claim of having no phase separation agent at the time of phase inversion. Vandenhende further discloses to allow the condensed vapor to settle by the action of the phase separating agent and to remove the phase rich in non-solvent, which further reads on not having the phase separation agent during phase inversion. Example 1 also discloses the process (see paragraphs 0045 - 0047) of dissolving PVC in MEK, adding water and stirring for 10 minutes. This is followed by the addition of water mostly in vapor form and some in liquid form. The vapor is then condensed and recovered and then hexane is added. Said example clearly discloses that there is no hexane during the phase inversion since it was added to the vapors only, when the vapors are recovered at the end of the precipitation process. Vandenhende performs a second process of dissolution and precipitation to a new batch of PVC in example 1, said second process

Art Unit: 1796

contains solvent, non-solvent and hexane. However, Applicant's claim language does not preclude further steps or further processes. The first batch of PVC in example 1 is dissolved and precipitated with liquid non-solvent and then with vapor non-solvent, both without a phase separation agent. Paragraph 0043 clearly teaches that the phase separation agent can be added after the condensation of the vapors.

Applicant submits that Vandenhende does not disclose introducing the non-solvent first in liquid form and in a determined quantity such that phase inversion is not reached and then add non-solvent in predominantly vapor form.

Applicant's argument is not convincing. Said argument has been previously addressed in the office action of 12/01/08. Additionally, example 1 discloses first introducing the non-solvent in liquid form only and stirring for 10 minutes ([0045]), as claimed by Applicant. This is followed by addition of 60 Kg of non-solvent in vapor form and 30 Kg of non-solvent in liquid form ([0046]), reading on Applicant's predominantly vapor form.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANCES TISCHLER whose telephone number is (571)270-5458. The examiner can normally be reached on Monday-Friday 7:30AM - 5:00 PM; off every other Friday.

Art Unit: 1796

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ling-Siu Choi/
Primary Examiner, Art Unit 1796

Frances Tischler
Examiner
Art Unit 1796

/FT/